

**ROSCOMMON COUNTY COUNCIL**

**PLANNING AND DEVELOPMENT ACT, 2000 (as amended)**

**SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**

**NOTIFICATION OF DECISION**

**REGISTERED POST**

Fergal Hoare,



Reference Number: DED 629

Application Received: 22<sup>nd</sup> November, 2023

Name of Applicant: Fergal Hoare

Agent: AOL Design Ltd. Consulting Engineers, Killeenboy, Kiltewan, Co. Roscommon, F42 K400

WHEREAS a question has arisen as to whether the following works; the construction of 18 sq. metre rear extension, re-roof existing flat roof extension with pitched slated roof to also cover proposed extension at Ballyboughan Townland, Co Roscommon is or is not development and is or is not exempted development:

AND WHEREAS Roscommon County Council, in considering this application, had regard particularly to:

- a) Sections 2, 3, 4 and 5 of the Planning and Development Acts 2000 (as amended);
- b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended).
- c) Class 1 of Part 1 Article 6 Schedule 2 of the of the Planning and Development Regulations 2001 (as amended)
- d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 (as amended);
- e) The planning history of the site.

AND WHEREAS Roscommon County Council has concluded that:

- a) The proposed works constitute development as defined in the Planning and Development Act 2000 (as amended) and associated Regulations;
- b) The proposed development of the construction of 18 sq. metre rear extension, re-roof existing flat roof extension with pitched slated roof to also cover proposed extension, is exempted development as defined in the Planning and Development Act 2000 (as amended) and associated Regulations.

**NOW THEREFORE:**

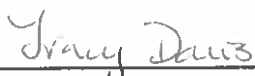
By virtue of the powers vested in me by the Local Government Acts 1925 – 2019 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the application described above, it is hereby declared that the said works the **the construction of 18 sq. metre rear extension, re-roof existing flat roof extension with pitched slated roof to also cover proposed extension at Ballyboughan Townland, Co Roscommon, is development that is exempted development** as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Any person issued with a Declaration under Section 5 of the Planning and Development Act, 2000 (as amended) may, on payment to An Bord Pleanála of the prescribed fee, refer a Declaration for review within 4 weeks of the date of the issuing of the Declaration.

**ADVICE NOTE**

This Declaration is based on the relevant Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended) at the date of issue. In the event that the Planning and Development Act 2000 (as amended) or the Planning and Development Regulations 2001 (as amended) change prior to the works being carried out this Declaration may no longer apply.

Signed on behalf of the Council:



Senior Executive Planner,  
Planning.

Date: 18<sup>th</sup> December, 2023

**Planner's Report on application under  
Section 5 of the Planning and Development Act 2000 (as amended)**

<b>Reference Number:</b>	DED 629
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development for the construction of domestic extension
<b>Name of Applicant:</b>	Fergal Hoare
<b>Location of Development:</b>	Ballyboughan townland, Roscommon

**WHEREAS a question has arisen as to whether the following works; the construction of an extension to a dwelling house at the above address is or is not development and is or is not exempted development.**

I have considered this question, and I have had regard particularly to –

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended
- (c) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (Exempt Development – General), as amended
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended.
- (e) The planning history of the site

**Site Location & Development Description**

The subject site is located on the Racecourse Road (Ballyboughan townland) Roscommon town and is directly served by a lay-by off the N60. The subject site contains a detached dwelling house with a modest flat roof rear extension.

There are no European designated sites in, adjoining or in close proximity to the subject site. There is no known heritage related sites/structures in very close proximity to the subject site, as per the Roscommon County Council GIS.

Question arising: Whether the proposed extension constructed is or is not development and is or is not exempted development.

- Floor Area of extension in question: 18sqm

**Planning History**

No Planning history

**Relevant statutory provisions**

**Planning and Development Acts 2000 (as amended)**

**Section 2. -(1)**

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

**Section 3. -(1)**

In this Act, “development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 4(1) of the Act defines certain types of development as being ‘exempted development’.

Section 4 (2) of the Planning and Development Act provides that the Minister, by regulations, provide for any class of development to be exempted development. The principal regulations made under this provision are the Planning and Development Regulations.

### **Planning and Development Regulations, 2001 as amended**

#### **Article 6 (1)**

Subject to article 9, development of a class specified in column 1 of Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 3 opposite the mention of that class in the said column 1.

#### **Article 9 (1) applies;**

Development to which article 6 relates shall not be exempted development for the purposes of the Act

viiB) comprise development in relation to which a planning authority or an Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

#### **Class 1 of Part 1 of Schedule 2: Exempted development - General**

<b>Description of Development</b>	<b>Conditions and Limitations</b>
<p><i>Development within the curtilage of a house</i></p> <p><b>CLASS 1</b></p> <p>The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.</p>	<p>1.</p> <p>(a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</p> <p>(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.</p> <p>(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.</p> <p>2.</p> <p>(a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.</p> <p>(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.</p> <p>(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.</p>

	<p>3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.</p> <p>4.</p> <p>(a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.</p> <p>(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.</p> <p>(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.</p> <p>5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.</p> <p>6.</p> <p>(a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.</p> <p>(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.</p> <p>(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.</p> <p>7. The roof of any extension shall not be used as a balcony or roof garden.</p>
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#### Assessment:

With regard to the proposal for the construction of a rear single storey extension measuring a stated 18m<sup>2</sup>, together with associated site works, the following (relevant factors) sets out how this proposal complies with the conditions and limitations of Class 1 of Part 1 of Schedule 2 (Development within the curtilage of a house) as set out in the table above:

1. The dwelling has been extended previously to the rear however the proposed extension, along with the existing extension will not exceed 40sqm.
2. Existing wall heights will not be exceeded by the proposed extension. It is single storey only.
3. The proposed extension will not result in the reduction of rear private open space to below 25m<sup>2</sup>.
4. Any window will be at least 1m from any boundary it faces.
5. The roof of the extension will not be used as a balcony or roof garden.

There are no European designated sites in, adjoining or in close proximity to the subject site. There is no known heritage related sites/structures in very close proximity to the subject site, as per the Roscommon County Council GIS.

#### Recommendation

Having regard to the above, I am satisfied that the general question raised in this referral can be determined as follows:

- The works are development
- The works to construct a rear single storey extension at Ballyboughan townland, Roscommon falls within Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 as amended.
- The proposal constitutes exempted development.

**WHEREAS** a question has arisen as to whether a proposed development to construct an extension to a dwelling house at Ballyboughan townland, Roscommon is or is not development and is or is not exempted development, I have considered this question, and I have had regard particularly to –

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended
- (c) Class 1 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended.
- (e) The planning history of the site

**AND WHEREAS** I have concluded that

- The works to construct an extension to a dwelling house is development.
- The works to construct an extension to a dwelling house and associated works at Ballyboughan townland, Roscommon fall within Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations.
- Given that the development complies with the conditions and limitations of Class 1 of Part 1 of Schedule 2 of Planning and Development Regulations, I have concluded that the proposal is exempted development.
- The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.

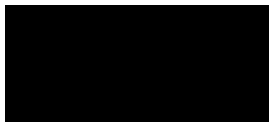
**AND WHEREAS** I have concluded that the said development to construct an extension to a dwelling house at Ballyboughan townland, Roscommon is exempted development and I recommend that a declaration to that effect should be issued to the applicant.

Signed   
Executive Planner

Date: 18<sup>th</sup> December 2023



Fergal Hoare,



Date: 28<sup>th</sup> November, 2023.

Planning Reference: DED 629

**Re:** Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.

**Development:** Proposed construction of 18 sq. m rear extension, re-roof existing flat roof extension with pitched slated roof to also cover proposed extension at Ballyboughan Townland, Co. Roscommon.

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A Chara,

I wish to acknowledge receipt of your application received on the 22<sup>nd</sup> November, 2023, for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development along with the appropriate fee in the sum of €80.00 Receipt No. **L01/0/225722** dated 22<sup>nd</sup> November, 2023 refers.

**Note:** Please note your Planning Reference No. is **DED 629**.

This should be quoted in all correspondence and telephone queries.

Mise le meas,

A handwritten signature in blue ink, appearing to read 'Tracy Davis'.

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Tracy Davis,  
Senior Executive Planner,  
Planning Department.

c.c. AOL Design Ltd.,  
Consulting Engineers,  
Killeenboy,  
Kilteevan,  
Co. Roscommon, F42 K400.



Roscommon County Council  
Aras an Chontae  
Roscommon  
09066 37100

22/11/2023 14 21.44

Receipt No : L01/0/225722

FERGAL HOARE

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 629	

Total :	80.00 EUR
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Tendered :	
Postal Order	80.00
982992	

Change :	0.00
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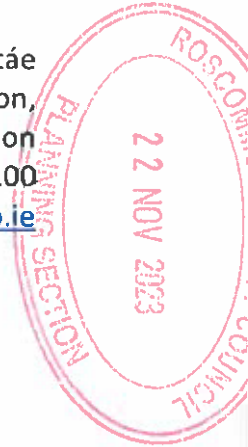
Issued By : Louis Carroll  
From : Central Cash Office



DED 629  
Áras an Chontáe  
Roscommon,  
Co. Roscommon

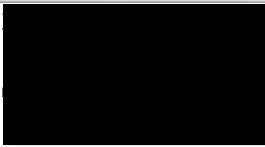
Phone: (090) 66 37100

Email: [planning@roscommoncoco.ie](mailto:planning@roscommoncoco.ie)



## Roscommon County Council

Application for a Declaration under Section 5 of the Planning & Development Act 2000,  
regarding Exempted Development

Name:	FERGAL HOARE
Address:	
Name & Address of Agent:	AOL DESIGN LTD, CONSULTING ENGINEERS, C/O ALBERT LOOBY BE, KILLEENBOY, KILTEEVAN, CO ROSCOMMON, F42 K400. PHONE: (090) 6628184 OR (086) 8167365
Nature of Proposed Works	CONSTRUCTION OF 18 SQ M REAR EXTENSION (TOTAL REAR EXTENSION INCLUDING EXISTING AND PROPOSED TO BE UNDER 40 SQUARE METERS AND SINGLE STOREY), RE- ROOF EXISTING FLAT ROOF EXTENSION WITH PITCHED SLATED ROOF TO ALSO COVER PROPOSED EXTENSION
Location (Townland & O.S No.)	BALLYBOUGHAN TOWNLAND, CO ROSCOMMON OS NO: 2481-D
Floor Area	PROPOSED 18 SQ M EXTENSION
Height above ground level	WALLPLATE CIRCA 2.8M ROOF RIDGE CIRCA 5M
Total area of private open space remaining after completion of this development	CIRCA 300 SQ M
Roofing Material (Slates, Tiles, other) (Specify)	SLATES TO MATCH EXISTING
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	NAP PLASTER TO MATCH EXISTING HOUSE COLOUR
Is proposed works located at front/rear/side of existing house.	REAR

## Roscommon County Council



Application for a Declaration under Section 5 of the Planning & Development Act 2000,  
regarding Exempted Development

Has an application been made previously for this site	NO
If yes give ref. number (include full details of existing extension, if any)	N/A
Existing use of land or structure	RESIDENTIAL
Proposed use of land or structure	RESIDENTIAL
Distance of proposed building line from edge of roadway	N/A EXISTING HOUSE CIRCA 7 M FROM EDGE OF ACCESS ROAD
Does the proposed development involve the provision of a piped water supply	NO – EXISTING CONNECTION TO PUBLIC WATER ON SITE
Does the proposed development involve the provision of sanitary facilities	NO – EXISTING CONNECTION TO PUBLIC SEWER ON SITE

Signature:

Jergal Hoare

Date:

22/11/23

**Note:** This application must be accompanied by:-

- (a) €80 fee
- (b) Site Location map to a scale of 1:2500 clearly identifying the location
- (c) Site Layout plan to the scale of 1:500 indicating exact location of proposed development
- (d) Details specification of development proposed



Legend:

- Previously Built Flat Roof extension
- Original Dwelling
- Area to be reroofed
- Proposed 18sqm Extension onto existing Flat roof Extension does not exceed exempt 40sqm

Assumed TBM  
99.85

685.7  
199.0

669.0  
199.0

SITE AREA : 0.16ACRES  
0.06HECTARES

BALLYBOUGHAN TOWNLAND

MAP SHEET: 2481-D



Client.  
Fergal Hoare

Consultants.  
AOL DESIGN LTD.  
CONSULTING ENGINEERS,  
KILLEENBOY, KILTEEVAN,  
CO. ROSCOMMON



NOTES:

- FIGURED DIMENSIONS ONLY TO BE TAKEN FROM THIS DRAWING.
- ALL DRAWINGS TO BE CHECKED BY THE CONTRACTOR ON SITE.
- ENGINEER TO BE INFORMED BY THE CONTRACTOR OF ANY DISCREPANCIES BEFORE ANY WORK COMMENCES.
- DRAWING IS FOR PLANNING PURPOSES ONLY.

SUFFIX	REVISIONS	DATE	INL	SCALE	1:250
--	--	--	--	DRAWN BY	A.L
				CHECKED BY	ALBERT LOOBY
				DATE	OCT 23
				DRAWING NAME	Proposed Site Layout
				DRAWING NO.	972-P-01-001

# Land Registry Compliant Map



Tailte  
Éireann

**CENTRE  
COORDINATES:**  
ITM 586422.765586

**PUBLISHED:** 17/10/2023  
**ORDER NO.:** 50363130\_1

**MAP SERIES:** 1:2 500  
**MAP SHEETS:** 2481-D

**COMPILED AND PUBLISHED BY:**  
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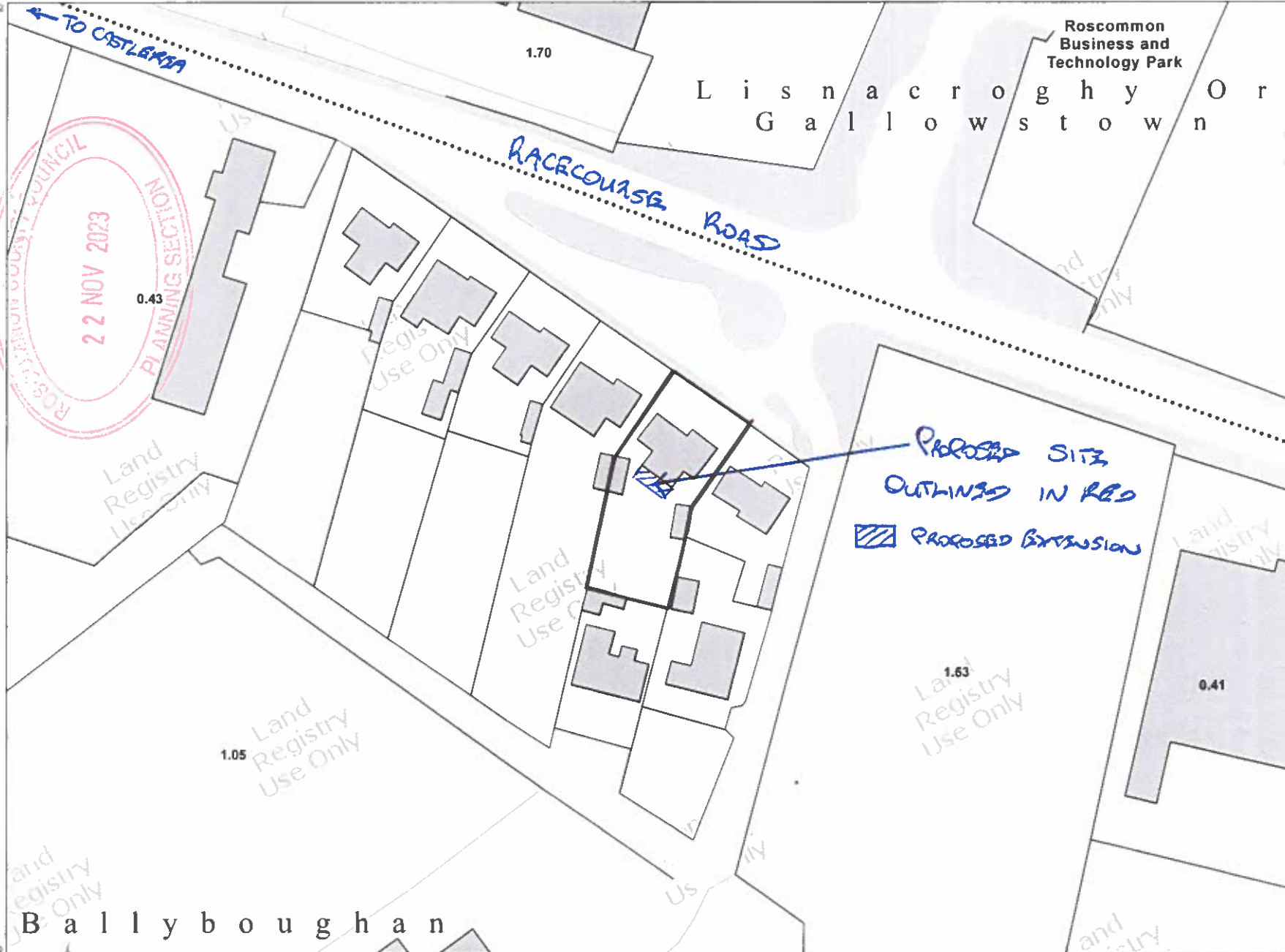
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Output scale is not indicative of data capture scale.  
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**LEGEND:**  
To view the legend visit  
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'Large Scale Legend'



**OUTPUT SCALE: 1:1,000**

Ballyboughan

